

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Condominium Property Act is amended by
5 adding Section 18.4a as follows:

6 (765 ILCS 605/18.4a new)

7 Sec. 18.4a. Installation of solar and wind energy devices.

8 (a) In addition to the powers and duties of the board of
9 managers set forth in Section 18.4 of this Act and
10 notwithstanding any other law to the contrary, or any
11 provisions in the declaration of any project or in the bylaws
12 of any association, the board of managers has the authority to
13 install, cause the installation of, or lease or license the
14 common elements for the installation of solar energy devices
15 and wind energy devices on the common elements; provided that
16 solar or wind energy devices may not be installed upon any
17 limited common element without the consent of the owner or
18 owners of the unit or units for which use of the limited common
19 element is reserved.

20 (b) The installation of solar energy devices and wind
21 energy devices on the common elements by the board shall not be
22 deemed to alter, impair, or diminish the common interest,
23 common elements, or easements appurtenant to each unit or to be

1 a structural alteration or addition to the property, provided
2 that the installation does not directly affect any
3 nonconsenting unit owner.

4 (c) As used in this Section:

5 (1) "Directly affect" means the installation of solar
6 energy devices or wind energy devices in a manner which
7 would specially, personally, and adversely affect an
8 individual unit owner in a manner not common to the unit
9 owners as a whole.

10 (2) "Solar energy device" means any new identifiable
11 facility, equipment, apparatus, or the like which makes use
12 of solar energy for heating, cooling, or reducing the use
13 of other types of energy dependent upon fossil fuel for its
14 generation; provided that if the equipment as it is sold to
15 consumers cannot be used as a solar device without
16 incorporation with other equipment, it shall be installed
17 in place and ready to be operational to qualify as a solar
18 energy device. "Solar energy device" does not include
19 skylights or windows.

20 (3) "Wind energy device" means any new identifiable
21 facility, equipment, apparatus, or the like which makes use
22 of wind energy for producing electricity or reducing the
23 use of other types of energy that are dependent upon fossil
24 fuel for generation; provided that if the facility,
25 equipment, apparatus, or the like cannot be used as a wind
26 energy device without incorporation with other equipment,

1 it shall be installed in place and ready to be operational
2 to qualify as a wind energy device.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.